

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VICTOR MANUEL TAGLE,

Petitioner,

vs.

D. W. NEVEN, et al.,

Respondents.

Case No. 2:13-cv-01832-JCM-CWH

ORDER

Before the court are petitioner's emergency motion to be removed from the jurisdiction of the Nevada Department of Corrections (#18), respondents' opposition (#20), and petitioner's reply (#26). Petitioner alleges that he has been sent to segregated confinement and that he is on a hunger strike. The facts that petitioner alleges do not indicate that he is in immediate danger of irreparable harm or injury. Furthermore, "[h]abeas corpus proceedings are the proper mechanism for a prisoner to challenge the 'legality or duration' of confinement. A civil rights action, in contrast, is the proper method of challenging 'conditions of . . . confinement.'" Badea v. Cox, 931 F.2d 573, 574 (9th Cir. 1991) (quoting Preiser v. Rodriguez, 411 U.S. 475, 484, 498-99 (1973)). Petitioner needs to raise these claims in a civil rights action pursuant to 42 U.S.C. § 1983. The court makes no statement whether petitioner would be able to proceed in forma pauperis in such an action.

Also before the court is a document titled "Order on Court Fee Waiver (Superior Court)," which is a form created by the Judicial Council of the State of California. The court construes this document as an application to proceed in forma pauperis (#25). As such, the application is moot

1 because petitioner has paid the filing fee, which is the only fee that petitioner need pay unless and
2 until he appeals from a final judgment of this court.

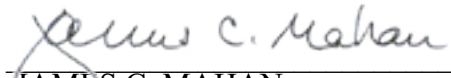
3 Finally, petitioner has submitted another motion to extend prison copywork limit (#27). The
4 court has denied his earlier motion (#23). Petitioner uses the same form and adds nothing new to
5 the earlier motion.

6 IT IS THEREFORE ORDERED that petitioner's emergency motion to be removed from the
7 jurisdiction of the Nevada Department of Corrections (#18) is **DENIED**.

8 IT IS FURTHER ORDERED that petitioner's application to proceed in forma pauperis (#25)
9 is **DENIED** as moot.

10 IT IS FURTHER ORDERED that petitioner's motion to extend prison copywork limit (#27)
11 is **DENIED**.

12 DATED July 16, 2014.

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15 JAMES C. MAHAN
16 United States District Judge
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